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ABSTRACT

Few issues have polarized the educational community so completely as the 1975 and 1977 decisions by the U.S. Supreme Court to allow corporal punishment in the schools. The symposium reported here was organized and conducted following the 1975 decision but prior to the 1977 one. Three papers in support and three papers against the ruling were read, after which the participants debated the matter. Finally, one pro and one con participant summed up the views for each side. The supporters of the ruling view corporal punishment as an effective deterrent to misbehavior, insist that it is a necessary tool for keeping order in the classroom, and see it as an alternative to permanent suspension. They admit that corporal punishment is occasionally misused, but point to the fact that other useful tools of a civilized society are also subject to misuse. The non-supporters of the ruling view corporal punishment as a type of legalized child abuse and are convinced that it compounds the teachers' problems by escalating anger in the child. They bolster their position by pointing out instances of abuse that have occurred in the past. Both groups agree that effective alternatives to phsyical discipline, coupled with teachers more adequately trained to handle disciplinary problems in the classroom, would largely remove the need for the continued future use of corporal punishment. (Author)

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THE SUPREME COURT SPANKING RULING: AN ISSUE IN DEBATE

Presented at the 1976 Annual Convention of the American Psychological Association inWashington, D. C.

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE NATIONAL INSTITUTE OF EDUCATION

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Comment by:	David Gil, Ph.D.

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INTRODUCTION

This symposium was organized immediately following the Baker v Owens decision, and was held prior to the Ingraham v Wright judgment, and should be viewed in that context.

This monograph is divided into three sections: a) the formal presentations of Dr. Fontana, Dr. Friedman, Dr. Foster, Mr. Vanore, Dr. Newbold, and Mr. Reinholz; b) the debate portion by the above individuals, including a summation by Mr. Westmoreland and Dr. Williams, with a concluding comment by Dr. David Gil, who spoke from the audience, but whose remarks could not be ignored; and c) an analysis of the symposium by the chairperson, Dr. Welsh.

The readers will notice some unevenness in the way the papers are presented. Several of the formal papers were read, but most of them were typed from the recording tapes. Some participants worked over their papers more than others. For example, Dr. Foster sent his rough draft back with minimal corrections which has helped to preserve the spontaneity of his remarks.

The symposium was a unique experience for all of those who participated. Although there were no conversions, we clearly learned something from each other. I would hope that the reader will find this symposium as provocative and stimulating as we did.

PREFACE

In 1971, at its annual meeting, the National Education Association Representative Assembly sent the report of its Task Force on Student Involvement to the Executive Committee and Board of Directors. One of the recommendations of the Task Force was to appoint a new Task Force to study corporal punishment in the schools, and in January of 1972, the Task Force on Corporal Punishment was appointed, and began work. This group was highly representative in regard to region, students, types of teachers, and urban-rural characteristics. Upon completing its work, the Task Force came to the following conclusions:

I. Teachers and other school personnel abhor physical violence of persons toward each other, no matter what the form.

II. No teacher consciously wants to inflict pain, either physical or psychological, upon a young person.

III. Teachers and other educators use corporal punishment almost exclusively where conditions for dealing with disruption are so poor that the school staff has reached a point of total frustration.

IV. Teachers lack both opportunity and support for needed in-service education and growth in identifying, developing, and practicing alternatives to the infliction of pain as a disciplinary technique.

V. No single group within the educational system is able to change that system or set standards independently of the system.

VI. The Task Force believes that the education association has a responsibility to demonstrate educational leadership in the community.

It further recommended that all educators move immediately to phase out, over a one-year period, beginning with the 1972-73 school year, the infliction of physical pain upon students, except for purposes of restraint or protection of self or other students. The recommendation of the NEA Task Force on Corporal Punishment never came to pass.

On October 20, 1975, the U.S. Supreme Court ruled that the schools had a right to use corporal punishment without parental consent. The judges felt that to outlaw its use in the schools "bucks a settled tradition of countenancing such punishment when reasonable." In essence, the court was simply upholding a lower court decision handed down in Greensboro, North Carolina, after Virginia Baker complained that her son, Russell, a frail sixth grader, had been paddled with a drawer divider for playing ball with two other pupils in an unauthorized play area. Although the court included "safeguards," by insisting that corporal punishment not be used as a first line penalty, that it not be used without prior warning, and that a second teacher ought to be present to observe the paddling, the New York Times was incensed, remarking:

> In an extraordinarily retrogressive ruling, the Supreme Court has effectively decided that teachers may resort to corporal punishment in disciplining pupils under state law...
>
> The message the paddle transmits to children is that superior physical size and strength is a powerful determinant of justice--a lesson they are likely to apply to their smaller and weaker contemporaries. In refusing to modify New York City's ban on corporal punishment, Chancellor Irving Anker rightly called that form of discipline "both dehumanizing and counterproductive." (10-22-75, p. 44c).

In contrast, the conservative New York Daily News wrote:

> Much as we deplore violence in any form, we drink a thankful toast to the Supreme Court for a sizable contribution to classroom discipline. Even over parental objections, the court has just held teachers may spank rambunctious students...
>
> Our joy is tempered only by the fact that Chancellor Irving Anker refuses to accept spankings in the local public schools. If the rod were firmly and accurately applied, some of his charges might begin to absorb

grammar and spelling, in which many are appallingly weak. (10-22-75, p.51).

While Baker v Owen was being hotly debated, it was noted that the parental consent issue was the only issue before the Supreme Court, and that a whole host of issues regarding corporal punishment still were left undecided. In fact, even on the issue of parental consent, it was not completely clear whether the "law of the land" had been laid down.

Within a relatively short period of time, Ingraham v Wright[1] was before the Supreme Court. Reportedly, students at the Charles R. Drew Junior High School in Dade County (Miami) Florida, were subjected to paddles, brass knuckles, and other types of severe spankings even for such trivial reasons as being late to class, not dressing for gym, or making excessive noise. Apparently the spankings, which have since been described as a "reign of terror," resulted in severe bruises and injuries requiring medical treatment.

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[1] The decision rendered by the Court on April 20, 1977, shocked the anti-corporal punishment group even more than the 1975 ruling. The Court voted 5 - 4 that school children may not claim protection under the Eighth Amendment of the Constitution, when spanked or paddled by teachers and school administrators, no matter how severe the punishment might be. Justice Byron R. White wrote a dissenting opinion and was joined by William J. Brennan, Jr., Thurgood Marshall, and John Paul Stevens. The Court decision was written by Justice Lewis F. Powell, Jr. Joining Powell were Chief Justice Warren E. Burger, and Justices Harry A. Blackman, William H. Rehnquist and Potter Stewart. Noting that prisoners have greater protection under the law, Justice White's dissent said:

> Thus, if it is constitutionally impermissible to cut off someone's ear for the commission of a murder, it must be unconstitutional to cut off a child's ear for being late to class.

Justice Powell, in his dissent in Goess v Lopez (95 S CT 729, 1975) had previously served warning to the anti-corporal punishment forces that there were strong voices in the Burger court not likely to be friendly. Powell wrote:

> ...the normal teacher-pupil relationship...is an ongoing relationship, one in which the teacher must occupy many roles...educator, advisor, friend and, at times, parent substitute. It is rarely adversary in nature except with respect to the chronically disruptive or insubordinate pupil whom the teacher must be free to discipline without frustrating formalities.

Following _Baker v Owen_, and while still awaiting _Ingraham v Wright_, a decision was made by Dr. Ralph Welsh to organize a symposium regarding the implications of the Baker vs. Owen decision, which would be presented at the 1976 Fall meeting of the American Psychological Association convention in Washington, D. C., and would allow both sides of the argument to be heard.

Two members of the American Psychological Association Task Force on Children's Rights and Child Abuse, Dr. Gerald Koocher and Dr. Adah Maurer, provided much needed moral support, and the Public Information Officer of the American Psychological Association, Mona Marie Wechtel, also offered strong encouragement. The chairman of this symposium, Dr. Welsh, feels that school corporal punishment is one of the most important issues of our time. Although he disagrees with the pro corporal punishment advocates, he feels that both sides must be heard if this issue is to be looked at in its proper perspective. All of the individuals involved in this symposium-debate are honorable men and women. That they disagree so vehemently with each other attests to the importance both sides attach to the practice of spanking children in the public schools.

LEGAL RAMIFICATIONS OF CORPORAL PUNISHMENT IN THE SCHOOLS

Andrew A. Vanore, Jr.*

In 1955, the General Assembly of North Carolina, in its infinite wisdom, realizing when you have anywhere from twenty-five to thirty students in a classroom, and where one individual pupil can disrupt the entire classroom and keep all of the other pupils from getting what is their right, and what they're in school for, an education, passed a law which provides that a teacher in a public schoolroom may use whatever force is necessary in order to maintain discipline; and this force may include corporal punishment.

The case, which precipitated this symposium (Baker v Owen) was heard by a federal court, after a mother, Virginia Baker, and her son, Russell, a sixth grade student at a public school in Winston-Salem, North Carolina, brought an action against the principal, the teacher, the local Board of Education, and the superintendent of schools. The intent was to have the 1955 statute allowing corporal punishment in the North Carolina public schools declared unconstitutional. Mrs. Baker did not believe in corporal punishment, did not use it herself in maintaining discipline in her household, and said that her constitutional right was being denied her if the school officials used corporal punishment over her objection.

This particular child was unruly in the classroom, and the teacher, as the evidence showed, had previously attempted to use other alternative methods of punishment, which finally culminated in the infliction of corporal punishment. The punishment involved two spanks on the buttocks with a drawer divider which was later described to be about the size of a ruler. As the evidence also showed, the child did not have any permanent injury as a result of the punishment, nor was the punishment inflicted maliciously.

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*Senior Deputy Attorney General of the State of North Carolina.

A three-judge court heard the case because, in the federal system, any time a state statute is questioned as far as its being constitutional or unconstitutional, the Federal Congress has provided that three judges shall hear it. Whenever a decision is rendered by the three judges and an appeal is requested, it must be taken directly to the Supreme Court of the United States. The three-judge court held that, yes, Mrs. Baker did have a right to determine the kind of punishment which would be imposed upon her child when the child was at home, but they reasoned that the school situation was different. It was their opinion that school officials have the right to determine, within the scope of reasonableness, whatever punishment would be inflicted upon a child which had been entrusted to their care. The three-judge court held, therefore, that the corporal punishment that was imposed against the Baker boy was not unconstitutional, was not in violation of the Eighth Amendment which prohibits cruel and unusual punishment because (a) under the circumstances, the two whacks on the buttocks did not inflict any permanent injury, and (b) the punishment was not inflicted maliciously.

The Court did, however, provide certain procedural safeguards which must be carried out in all North Carolina public schools before corporal punishment is used as a form of discipline. First of all, the Court said that, except for unusual circumstances, or unusual conduct which shocks the conscience, corporal punishment may not be imposed as a first line of discipline; before corporal punishment may be imposed, some other form of discipline must be used on the child. Secondly, corporal punishment could only be administered by the principal of the school, or by a teacher; in addition, whoever imposed the corporal punishment must impose it in the front of, or in the presence of a witness, and the witness had to be either a principal or a teacher. At the time the corporal punishment is inflicted upon the child, the child has to be advised as to the name of the witness and why the punishment is being imposed. And, thirdly, if the parent so requests, the teacher or principal who imposed the corporal punishment must inform the parent in writing of the name of the individual who witnessed the punishment and why the punishment was imposed.

Obviously, Mrs. Baker and her son did not like the decision of the three-judge Federal Court upholding, basically and generally, the right of public school teachers to impose corporal punishment. Their appeal went to the Supreme Court of the United States, and the Supreme Court responded in a summary fashion; they did not allow oral arguments presumably because the facts of the case, in the opinion of the majority of the justices, did not warrant it. They simply took the case up on briefs, and on October 20, 1975, they upheld the three-judge decision. To summarize, the law as it presently exists states: (1) Corporal punishment may be imposed as a form of discipline in the public schools, but certain procedural safeguards must be applied--those previously mentioned; and (2) corporal punishment, per se, cannot be cruel and unusual punishment, simply because a child is spanked.

Let me make one thing very clear. First of all, I am not a proponent of abusing a child through any form of discipline, whether it be corporal punishment or otherwise, and I don't believe anybody in North Carolina is either. We, in North Carolina, have on the lawbooks some very clear criminal laws which make it a criminal offense for a teacher, when imposing corporal punishment, to do it maliciously, and if the punishment is imposed maliciously, whether it be corporal or otherwise, the teacher can be held criminally responsible. If permanent injury occurs, then again, in North Carolina, the teacher can be held both criminally and civilly responsible. Finally, I wish to point out that in North Carolina at least, and I'm not speaking for the other states, we have never had a case where a teacher has been held criminally or civilly liable for imposing corporal punishment on one of his or her students.

USE OF CORPORAL PUNISHMENT IN THE NORTH CAROLINA PUBLIC SCHOOLS

Kenneth R. Newbold, Ed.D.*

Laurinburg is twenty miles south of the Golf Capital of the world, Southern Pines, and shame on me if I happen to mention it on such a beautiful day, as we could be on a golf course. I represent over a million and a quarter (1,250,000) school-aged children, K through 12 in the public schools of North Carolina, about 50,000 teachers, and 147 school systems. I'm delighted to be here speaking in favor of corporal punishment. The vast majority of the parents in North Carolina and the vast majority of teachers in North Carolina also favor this position, so this problem is not a North Carolina problem. It may be a national problem; it may be a problem in your part of the country, but at least at this point in time in North Carolina, there is overwhelming majority support for corporal punishment in our state.

I was not abused by my parents and they used corporal punishment. I do not consider that I was abused by my teachers who used corporal punishment on me when I was coming up through the public schools. I perceive that I have a positive self-concept and that I have a pretty good attitude toward life. Therefore, for me to equate this topic today with the use of corporal punishment regarding the abuse issue or to use it for special education who are emotionally disturbed is to take it out of context and confuse the issue. We're talking about the vast majority of children who respond to normal, typical discipline approaches that are used in a public school. We're not speaking, or at least I'm not speaking, about special education or exceptional children or those who are guilty of child abuse at home.

---

*Superintendent, Scotland County Schools, North Carolina.

My remarks are based upon twenty years experience as a teacher, principal, assistant superintendent and superintendent. Corporal punishment is authorized in North Carolina, General Statute 115-146. This State Law states:

> Principals, teachers, voluntary teachers, teacher aides and assistants and student teachers in the public schools of this state may use reasonable force in the exercise of lawful authority to restrain or correct pupils and maintain order. No county or city board of education or district committee shall promulgate or continue in effect a rule, regulation, or bylaw which prohibits the use of such force as is specified in this section.

I support the retention of this State Law as it has served as an effective deterrent to pupil misconduct in North Carolina public schools.

I have used corporal punishment as a teacher and as an elementary principal. It is effective with those students who fail to respond to reprimands, to extra work or detention after school. It is not used with any large number of classroom pupils in any classroom. Corporal punishment is most effective in grades kindergarten through the sixth grade. After the sixth grade, in grades seven through twelve, it does lose some of its effectiveness, while suspension and dismissal are more effective when all other approaches and methods to discipline fail. I'm in complete agreement with the due process requirements handed down in the Baker vs. Owen case in the North Carolina Middle District Federal Court, which our Deputy Attorney General has spoken. These due process requirements, very briefly, are as follows: (1) The student must be informed by the teacher that specific misconduct or misbehavior will result in a paddling (spanking). (2) The teacher must use spanking only after other less drastic deterrents have failed, and (3) The pupil must be paddled in the presence of another teacher or comparable witness, and

(4) Parents may request a written report on the paddling incident. Most North Carolina public school systems had already been using most of these due process requirements long before this case was decided.

I am the first to admit that corporal punishment can fail with some pupils and that it could be psychologically harmful to some students. However, in my experience, I have never seen evidence of any lasting psychological damage as a result of the use of corporal punishment. If it is reasonable and if the teacher does not administer it in anger or in front of other pupils, it can be a very effective tool with most students. I regret seeing people put in jail or going to prison. I do not enjoy paddling my own children or seeing other children paddled. Yet, I cannot accept the alternative of a school classroom or a school where an adequate level of discipline did not occur. Effective learning simply cannot take place where there is no discipline.

In the last seven years, the national Gallup Poll has ranked discipline as the number one concern of parents in America in expressing their feelings about public schools. And, I quote from George Gallup's latest poll referring to a nationwide survey to probe the attitudes toward public schools. Gallup said that the lack of discipline is the number one criticism of public schools. He noted that the permissive era was not ushered in by the schools, but by the public; and that schools are a victim of an overall lack of respect for rules and authority. The lack of discipline is identified with some of education's foremost problems: crime, parental neglect, apathy toward school activities, idleness and lower academic standards, the public opinion analyst pointed out. Surveys in North Carolina on a state level and on a local level have validated the Gallup polls in that discipline is the number one concern of parents and they want an adequate level of discipline in the classroom.

We have excellent discipline in the school systems of North Carolina, and I attribute a large part of this outstanding record and good discipline to our State Law that allows us to use corporal punishment when all other disciplinary measures fail. Surveys of teacher attitudes in North Carolina repeatedly reveal that North Carolina teachers feel that our State Law is needed and that their morale would be lowered if this State Law was repealed . During the past seven years, North Carolina has undergone all of the pressures and problems of desegregation, student unrest, problems involving drug abuse and alcohol abuse, permissive homes, broken homes, and homes where grandparents have been rearing the children while mother and father were off living in another state, drawing welfare. We've had all these problems, and I am proud that North Carolina has come through this difficult period with an outstanding performance. And, in my opinion, when the history book is written about desegregation, the South is going to come out smelling like a rose, and the hypocrisy of the North, the Mid-West and the far West is going to be shown for what it was. The experts in the North wanted to come South ten years ago and tell us about all the ways to solve all of the desegregation and unrest problems in our schools, and discipline was part of that unrest. But now I notice that we are not going to go North to tell them how to solve their desegregation and student unrest problems. We have solved our problems and implemented desegregation, and I'm proud of it.

Teachers and principals in North Carolina must have effective ways to deal with pupil misconduct. Teachers are not trained psychologists or psychiatrists or medical doctors, pediatricians or anything else. They, therefore, cannot effectively use discipline alternatives such as behavior modification or "schools without failure" therapy that would require a level of expertise that is not found in most teachers.

Yes, there are teachers who are experimenting with other alternatives. There are teachers who have heard of Glasser and they've heard all the other experts. There are teachers who are well-trained in transactional analysis and who are experimenting with this and other approaches. We are not a backward state. We are trying to use modern, alternative ways of discipline. Yet our teachers do not have, at this point in time, small classes of one to five, where individualized instruction, one hundred per cent of the time, can be provided. Most of our teachers have to be with 25 to 35 pupils, although we do have a class size law that restricts the first three grades to 26, the 4th to 8th grades to 33, and no more than 35 in the high school grades, 9th to 12th.

The point I am trying to make is that we are not talking here today about child abuse, we are not talking about special education children, and we are not talking about, in my opinion, those exceptional cases where corporal punishment has been misused. We are talking about, in my opinion, a very effective deterrent to use in maintaining a reasonable level of discipline in our schools. I support corporal punishment as a deterrent and feel that to take it away from the public schools in North Carolina would lower the quality of our education and lower the discipline level in our school systems.

A PRACTICAL DEFENSE OF CORPORAL PUNISHMENT

Lansing Reinholz*

In the letter that Ralph Welsh sent to me saying the format was going to be as it is today, he mentioned that we should be taking a frame of reference and a position from our own professional bias; so you'll understand that I'm speaking as a school administrator and as a parent. I'm not a psychiatrist or a psychologist. I'm not a counselor or a lawyer. I am not anything except a practitioner. I have to deal in Burlington with 6,000 children, 400 professional employees, approximately 12,000 parents, a school board of thirteen elected officials, a City Hall that's a Democratic administration and, by its very nature, liberal. Therefore, my point of view and point of reference is that there is a practical defense of corporal punishment.

An attorney by the name of Kelly Frells from Houston wrote:

> The authority of a teacher to use corporal punishment as a disciplinary technique is an element of the common law doctrine of "in loco parentis." Under the doctrine, a teacher stands in the place of a parent and has the right to use reasonable physical punishment to secure acceptable behavior. Standing alone as an abstract concept and unsupported by the requirements of securing and maintaining an educational environment, "in loco parentis" loses some of its Blackstonian vitality. The doctrine's loss of relevancy is particularly evident when the parents in whose place the teacher stands do not want their child physically punished. While the concept, "in loco parentis," has almost universally been rejected at the University and college level, the teachers and administrators of public schools stand in some degree "in loco parentis" to the students. The degree to which teachers and administrators stand "in loco parentis" appears directly related

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*Superintendent, Burlington, Vermont Public Schools.

> to the maturity of the individual student and his ability to function independently, conditioned somewhat by his parents' expectations. These factors, together with the existence of compulsory education, the nature of public school class scheduling, the financing of schools through local property taxes, and other environmental factors peculiar to the public school setting are contributing factors to the existence of "in loco parentis."

The necessity for the use of corporal punishment, on the other hand, as a means of managing behavior in schools arises from two particular sources: First, that education is compulsory. Children between the ages of six and sixteen, for the most part in this country, must attend public schools unless otherwise excused under local statute or state statute. Secondly, there is often no positive role institutions to which a child can turn to when he is suspended from school. The word, suspension, in this instance, I think, is a good word to use to describe the state of many of these youngsters. Where, if you suspend a student from school, is that child going to go if he is under sixteen years of age? To what institution can the parents turn for assistance in obtaining public education for that child? With all of us recognizing that public education is desirable...it is desirable for children to learn the basic skills which they'll need to support themselves and be contributing members of society, that basic knowledge must come from the public schools in this country. There isn't any other source. Therefore, if we suspend a child from school as the alternative, possibly, to corporal punishment, there is no place to send him except to the street.

In Burlington, suspensions total about 100 a year out of the secondary level. If they are under the age of sixteen, I can tell you where those people end up. It's not back in the public school system for the most part. It's at Weeks School. Weeks School is a reform school for wayward youngsters, wayward in some manner or other. If we haven't used the alternative of corporal punishment prior to suspending the student and sending him down the road not to return to the public institutions, I think we're being derelict in our responsibilities as public school teachers and public school administrators. Not having a place to send students when we suspend them from school results in a great cost, not only to society, but to the individuals involved.

The difference between what people refer to as abuse, the abuse of children, and corporal punishment, is not the only distinguishing factor with regard to touching children or disciplining children in school. Another term that is thrown about loosely is "physical restraint."

There are qualifications that need to be in place and used when corporal punishment is used, so that it is beneficial and is not a destructive tool. Punishment should not physically harm a child. I'm not talking about abusing a child. I'm not talking about leaving marks on a child; and, in fact, if that occurs, if force beyond that which is reasonable results in physical harm to a child, then by all means, and I don't think you'll find an educator in the country that will say that the person who inflicted that harm should not be tried for criminal assault. I think every educator that believes in corporal punishment as an alternative means of disciplining, believes that there ought to be a reasonableness about it, and we're not talking about abuse. Those people who are advocating the abolition of corporal punishment consistently put the term "abuse" right out in front where the public sees it as being the extreme rather than the normal fashion of using corporal punishment.

Corporal punishment should not be applied with malice. Again, we're talking about a reasonableness in using a means of discipline on a student in the public school. The grievant, in my opinion, should not do the punishing. The grievant, usually, in the school, is the teacher. As a parent, I don't believe that parents should inflict corporal punishment, spank their child or shake their child, at the time that they are "grieved" (by the child for the act that the child committed) because the parent is angry. And, when the parent is angry, he/she is not going to be reasonable, and he/she is not going to, under normal circumstances, inflict the kind of punishment he/she would inflict, if he/she took five minutes and calmed down and assessed the situation to determine whether, in fact, what the child had done was worthy of such a stringent method of discipline such as using corporal punishment.

The same thing should be true of a teacher. If a teacher is the grieved party, then that teacher should not be the person to inflict corporal punishment. It's not even necessary to say, but I will because the people advocating the abolition of corporal punishment fail to recognize it, that rarely is corporal punishment ever used as the first means of punishment in the school, as the first means of disciplining in the school. I've been in public education for thirteen years, and I've never seen, never, singular, not one time, a teacher or an administrator or a non-professional employee of the school district hit a kid the first time that kid does something he/she is not supposed to do in school. I'm not saying there aren't instances of that. I do know of football coaches that have used forearm blows to a player who doesn't do what he's supposed to do and I think that is abuse. That's not corporal punishment. However, corporal punishment is not the first means of punishment in a school.

Corporal punishment should, in most cases, be the last resort after all means appropriate have been evaluated and used, if appropriate. It should be used when all other alternative forms of punishment have been tried and have failed. A child should know beforehand why he/she is being punished and what he/she is being punished for. If a professional other than the grievant deems that it is a meaningful decision, the student receiving the punishment might be given the choice of corporal punishment or suspension. If, in fact, we rely so heavily on the dependence...independence, rather, of students today; if we think they are, in fact, capable of making all of those decisions that some of the people in this country would like to have students making for themselves today, then maybe we should give them the decision: Do you wish to receive corporal punishment, or do you wish to be thrown out of school? Those are the last two alternatives we've got. Which one do you want? I can tell you that I've used that. In the thirteen years that I have been a school administrator and school teacher, I can recall and document at least 200 instances of corporal punishment. That's not all whacking. That's not all using paddles. But, if you shake a student, if you grab a student, if you wash a student's mouth out with soap, that's corporal punishment. If a teacher grabs a pupil by the ear to make him/her do something, that's corporal punishment. We're not talking about those things limited to spanking. In all of those instances where I've paddled children, as a high school principal, I've never once failed to offer the child the alternative of being suspended from school, permanently. We're not talking about a three-day suspension or a ten-day suspension. And never once has that independent-thinking child chosen to be suspended from school because he/she wants an education. He/she wants to be some place where people care what in the hell happens to him/her. And, in most of those instances, they choose the corporal punishment because they know that we do care; and in many of those instances they come from homes where the parents don't care.

A child should not be restrained in order to receive corporal punishment. You then get into a situation, if you use restraint, where a child can get injured.

The use of corporal punishment should not involve, needless to say, racial, sexual, social or economic discrimination. The argument that "that's the only language that they understand" or that "the child was always beaten at home" is circular. If beating worked, then the student wouldn't be in trouble. A pampered child from an affluent home would be more likely a person to benefit from a "slap on the ass."

Corporal punishment should be used no more than once with a child in a particular school. If the occasion arises where the corporal punishment alternative is considered and it's already been tried, chances are it's not going to be successful and, in my experience, we've never found it necessary to use it more than once on the same child.

With the above qualifications, I feel that corporal punishment is a necessary tool for educators. We should stop getting hysterical about the stimulus and concentrate on the needs of the individual and the organizations serving that and thousands of other individuals. The alternatives to corporal punishment are usually less attractive and, in my opinion, a heck of a lot less effective. I'm more concerned about the continuous pain caused by boredom, fear, and anxiety among students; the things that they face, more than a single occurrence of corporal punishment. In addition, my concern rests with the right of all students to receive an education uninterrupted by a single, individual, disruptive student.

I'd like to take just a minute to tell you what happened that Dr. Welsh referred to. I was invited to be on the "Good Morning, America" show as an advocate of corporal punishment because the State of Vermont State Board of Education on three occasions submitted legislation for the abolishment or repeal of the Statute #1161 of Title 16 that allows corporal punishment in the state of Vermont. Three times, the relatively conservative Legislature turned down that legislation and failed to abolish corporal punishment. Subsequently, the State Board deemed it appropriate to regulate corporal punishment, i.e., abolish corporal punishment, by setting up a series of regulations for reporting instances of corporal punishment, which in itself is not bad. If we were to report it to the state for a statistically reasonable number of times and with good reason for establishing some data base, no one had a complaint. What they attached to it was, if somebody had used corporal punishment and failed to report, the teacher could lose his/her teaching license, the administrator responsible in the school could lose his/her teaching license, and the superintendent could lose his/her license. You know where that went! N.E.A., the

National Teachers Association, opposes corporal punishment. V.E.A., the Vermont Teachers Association, opposes corporal punishment. The Burlington Education Association, as an association, opposes corporal punishment.

Unfortunately, to say, after I got back from New York and "Good Morning, America," my Board abolished corporal punishment, on a seven to six vote. On a seven to six vote, the Board abolished corporal punishment. The Burlington Education Association stood up and applauded. However, I have 401 professional staff employees. Ninety percent of those professional employees insist that this means of discipline is necessary, if teachers and administrators are to effectively deal with some of today's students. The deterrent factor of corporal punishment is inescapable. 1975-76 saw 46 instances of corporal punishment reported to the state from the city of Burlington. Eight girls received some form of corporal punishment, and the rest boys. Not a single parent in Burlington has ever gone to court and, to my knowledge, all of the cases that have gone to court in the state of Vermont on criminal assault have been determined in favor of the teacher. And so, while all of that was happening in Burlington and corporal punishment has been abolished, I work for the Board, therefore, I'm not distraught that it has been abolished. I'll work to get it reinstated because we have found that the problems that arise simply from the fact that you can't do it, and students now know that you can't use that, is not making our school system a better system.

CHILD ABUSE IN THE NAME OF DISCIPLINE

Vincent J. Fontana, M.D., F.A.A.P.*

Violence breeds violence. Are we going to allow our children to be taught to abuse their own children? A recent United States Supreme Court ruling allows a teacher to inflict physical discipline or "whip" a child as long as that teacher has another teacher with him or her as a witness. In my opinion, there is absolutely no reason why any school teacher should be allowed to whip any child in the name of discipline.

Dr. David Gil, a sociologist, in 1969, wrote in the American Education magazine:

> A teacher who uses physical force against a child teaches that child and all the children in the classroom that physical force is an appropriate means for human interaction. As such children grow into child-abusing parents, they are practicing what they were taught in school. Education has developed constructive approaches to motivate children to create challenging, learning milieu and to assure the necessary discipline in the classroom and needs no longer to regress to the destructive approach which is symbolized by corporal punishment.

There is no doubt that children become what parents make them and children can and often do become what they are taught. There is no doubt that corporal punishment is a form of child abuse that will certainly manifest itself in later years and is likely to have some undesirable side effects on the abused child and on society as well. We have shown our concern for the abused child in the last decade and statistics indicate that the incidence is certainly one for concern. There are tortured and battered children estimated in this country to be over one million annually. Nevertheless, there are some who will endorse corporal punishment, a form of child abuse, as a means of discipline. Most psychologists now seem to agree that this type of discipline and other physical punishments teach children to be violent and cause them psychological damage which allows them to view the world as a cold and hostile place with which they must deal with anger and violence.

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*Medical Director and Pediatrician-in-Chief, New York Foundling Hospital Center for Parent and Child Development.

Chairman of the Mayor's Task Force on Child Abuse and Neglect of the City of New York.

Professor of Clinical Pediatrics, New York University College of Medicine.

If there is to be a pattern of child rearing in our culture and there is, it has its roots in our concept of children's rights. It can't be denied that we do slap and whip and strike out at our children in the name of discipline--whether it be in the home, in the school, or in an institution. This striking out at our children is really through irritation rather than in the name of discipline. There isn't any doubt in my mind that our casual acceptance of violence coupled with the concept of parental or public omnipotence is responsible for the prevalence of corporal punishment and for some child abuse. The rigidly, authoritarian figure who feels justified in demanding an exacting absolute submission for a child and in whipping or beating him until he gets it, may be one abusive individual whose actions relate to our child rearing philosophy. Yet it has distorted the normal concepts of discipline and punishment for his own less than normal reasons. The parent or teacher who torments and beats a child in the name of punishment for a minor or non-existent, or irrelevant transgression is not, by any stretch of the imagination, punishing a crime. His action is often calculated cruelty, is completely unrelated to discipline, and is rooted in his own perverse fascination with the act of abuse. In other words, he enjoys what he is doing.

The parent or teacher or caretaker who succumbs to a momentary fit of rage and lashes out at the child in an uncontrollable and hurtful outburst of hostility is neither disciplining or punishing the child. He knows very well whatever he might say that he has been overwhelmed by anger, impulses that have nothing to do with correcting the child's wrongful actions. This parent or teacher is an uncomfortably familiar person. He comes close to being any individual who has lost control and is involved in a temper tantrum. Many parents and teachers come very close to losing control. However, they don't whip out, slap out, act out or use violence inflicting physical abuse. Some, however, will slap out in anger, yell, shove, and on occasion, hit a little too hard and then take a deep breath, checking their impulses and perhaps stop before going too far.

There is, I believe, a fairly clear cut difference between what is discipline and what is abuse. The individual who disciplines has in mind the welfare and best interest and safety of the child. The one who abuses is indulging himself. There is also a cut-off point, if not precisely defined, between the exasperation of the normal parent or teacher who occasionally feels himself letting go and then puts on the brakes, and the unguarded rage of the abusing parent or teacher. That point is the imposition of control, the act of stopping before the hostile emotion gets out of hand.

Therefore, while there is in our culture a relationship between our child rearing beliefs and the acts of violence against children, it is extremely difficult to accept the possible implication that the deliberate and sometimes ingenious torture inflicted by many abusing child care individuals is a natural extension of the bottom-slapping disciplinary practices of non-abusing parents. Parents and teachers who question themselves in their attitudes, aware about their flashes of anger, who do not blame their children for their own abuse, who are concerned about their disciplinary modes and motivations, who wonder if their instinct to retaliate is normal, who pull themselves short and count to ten before walloping and then restrain themselves instead, are not the abusers.

The promoters of corporal punishment cannot be simply traced to the needs for discipline or teaching the child or to cruelty or to sadistic tendencies or to rage or to mistaken concepts of discipline or to a child rearing philosophy or to the presence of violence in our society. I believe they are rooted in the sociological, psychological, and even biological characteristics of the offenders.

Comment by Margaret Fallon who read Doctor Fontana's paper in his absence:

It has given me great pleasure to come here today and to meet with all of you, and to have had this opportunity to read this paper, because I firmly believe that there is no one in this country who has done more to fight the abuse and neglect of our nation's children than Vincent Fontana. He has given so much of his time and so much of his efforts to this.

In addition to reading his paper, I should like to make a few comments, because I have come here today as an Assistant Director of Guidance of the Board of Education of New York City, as a former teacher, as a former guidance counselor, as a former assistant principal in a junior high school, and as acting principal in an elementary school. So, I have worked for very many years with large numbers of children who present many problems. What most distressed me at this panel today, and it did distress me before I was coming was, I was wondering, where is there a child who has been beaten? I think it would have been nice to have heard from such a child.

I also am concerned about the role of the teachers. You know, corporal punishment in schools depends a great deal upon the climate of the school. The climate of the school is set by the attitude of the teacher which, in turn, might be set by the attitude of the principal or the administrators. There is a pecking order, and it can be created by the attitude of the superintendent, and I am sorry to say, his attitude is often set by the community when the budget is prepared. Unfortunately, it is less expensive to use corporal punishment than to pay for the services that are necessary. I think that those of you who are psychologists know, as well as I do, that there's a need for expensive services for children; and when the money isn't there, these needed services are the first things we see go.

A teacher who hits or punishes is a teacher who needs help. That teacher may need help because he or she has too large a class. Maybe he or she doesn't know how to teach. Maybe this person is inexperienced. Maybe, right now, there's something wrong outside or wrong at home, and this teacher needs a lift. Perhaps, these are some of the things that we should start to think about before we decide to hit.

We have in New York City some very, very firm rules in regard to pupil discipline and behavior. We do not use corporal punishment, and our system works by a matter of circulars. We have one interesting circular dated June 13, 1974, Special Circular #119, on pupil behavior and discipline. This circular had always been a school board rule. Unfortunately, there was a community school district in the Bronx, and you must have read about it in the New York Times, where the children were being beaten. I'm happy to say that it was one of our guidance counselors who took the action to see that this was brought to the attention of the proper authorities, and that something was finally worked out.

We have many alternatives other than suspension. We have classes for emotionally handicapped children within the regular schools. We have schools for the socially maladjusted and emotionally disturbed children, and I think that Dr. Foster, who is here, has worked in one of them both as a teacher and as an assistant principal. We also have alternative schools for children, and when these things and counseling fail, we do suspend. Our suspense regulations are extremely firm, and if you read the New York Times today, you will see that they are spelled out quite clearly. We also have a circular of June 24, 1970, which limits the time of suspense. The child may be suspended for two days only, after which he must be allowed to return.

I think, really, what I'm saying here was rather well represented by a poster I saw on the wall at the American Humane Society, in an animal hospital last June; it showed a little girl holding a kitten, and it said, "Be kind to children and to animals. They have no voice, and they have no choice."

CORPORAL PUNISHMENT IN THE SCHOOLS

David B. Friedman, M.D.*

Children and their parents progress through social and emotional developmental stages in relation to each other. For school-aged children and their teachers, these stages become developmental tasks which they must accomplish to assure optimal cognitive development. Discipline is necessary for the accomplishment of these tasks. Discipline is also important for the safety and physical well-being of the child as well as for his or her social, emotional, and cognitive development.

However, discipline and punishment are not synonymous. Some parents and teachers who are strict disciplinarians seldom resort to punishment. Some punitive parents and teachers are poor disciplinarians. The aim of discipline is to provide the child with outside control until he or she can develop the inner or self control necessary to function as a mature adult. Punishment is what adults resort to when discipline fails. The former head master of a well-known Eastern preparatory school commented to me recently, "When you resort to corporal punishment, you win the battle, but you lose the war!" I am defining corporal punishment as the deliberate use of physical force such as impulsive shaking, hitting, choking, swatting, head banging, caning, or paddling. I am not talking about the bare-handed swat on the clothed buttocks of a preschool child although even this, uncontrolled, may have its dangers.

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*Professor of Pediatrics, University of Southern California School of Medicine.

Director of Family and Child Development Division, Los Angeles County-University of Southern California Medical Center.

Co-Director, D.H.E.W. Region IX Child Abuse and Neglect Resource Demonstration Center.

There are five major developmental tasks of school-aged children and their teachers. Corporal punishment inhibits the accomplishment of each of these tasks.

By school age, the child should have developed what Erikson calls basic trust. The parallel developmental task of the teacher is to learn the cues; that is, to learn how to interpret the needs of each of his or her pupils. Corporal punishment erodes the youngster's basic trust, stimulates mistrust, anger, and resentment. The child learns that the adult world not only will not protect him from assault and battery, but also will sometimes be a party to it. Corporal punishment undermines the teacher's ability to interpret a pupil's basic needs and to provide an environment of mutual trust conducive to learning.

By school age the child should also have developed a feeling of autonomy or "I-ness." The teacher, therefore, has the task of accepting growth and development and learning to delegate some control to the students. Teachers must accept some loss of control while maintaining necessary limits. Again, corporal punishment slows the development of a child's feeling of autonomy and produces some degree of shame and doubt. The child's teacher fails in this developmental task, showing, at least in this one interaction, an inability to accept any loss of control.

By school age most children have achieved some degree of what Erikson calls initiative, that is to be able to move out in the world and appropriately assert himself or herself. Another developmental task of teachers is to separate themselves from their pupils and to allow the children to develop independently while the teacher models optimal behavioral standards. Corporal punishment is demeaning, inhibits initiative and stimulates in many children the development of feelings of shame, guilt, anger, and the wish to retaliate. The teacher shows his or her inability to accept independent development and models the big and strong controlling the small and weak by force rather than a mutual respect relationship. Ralph Welsh, Adah Maurer, and others are uncovering data which show a direct relationship between severe corporal punishment in early childhood and delinquency later in the life cycle. In these situations the child's initiative appears to be misdirected by the lifestyle modeled by important adults.

The school-age child must learn to learn and to develop industry or the ability to learn, work, and accomplish. His or her teacher has the task of accepting some degree of rejection and loss of control yet managing to be there when needed without intruding unnecessarily. Corporal punishment interferes with these processes by producing in the child some feeling of inferiority, helplessness, and inability to accomplish while thrusting the teacher into the role of intruder rather than learning facilitator or teacher.

The school-age child explores roles and relationships and struggles to develop his or her own identity, that is, who he or she is in relation to others. The teacher, therefore, must adjust to changing classroom roles, relationships, and interactions. Once again, corporal punishment interferes. The youngster may see himself or herself in relation to the authority figure administering the corporal punishment, in a number of ways depending on other life experiences. However, the child's own identity becomes diffused and the message is "might makes right." The teacher loses some flexibility in inter-relating with the individual student and with the class. The teacher also loses the ability to develop and to model a variety of alternative coping and controlling mechanisms made possible by an atmosphere of mutual respect.

What are some of these coping and controlling mechanisms--techniques for establishing discipline and avoiding punishment? Giving chores, suggesting substitute activities, providing face-saving outlets, setting up cooperative activities and being sensitive to a child's needs, values, and feelings all come under this heading. An appropriate system of emotional and material rewards need not have the connotation of a bribe if based on the child's needs, values, and feelings, and if aimed at establishing mutual trust and respect.

But even under the ideal conditions punishment is sometimes necessary and, if appropriate, and not cruel, demeaning, or physically injurious, may have growth stimulating effects. Children have different temperaments and respond differently to expectations, no matter how clear and to limits, no matter how appropriate. A teacher may be able to communicate with and cope with one child and not with another, and may have to resort to punishment more often with one child than with others. Isolation, deprivation of privileges, appropriate physical restraint and limitation of desirable activities may be effective especially if mutually agreed to and planned by teacher and pupil. Dr. Foster discusses alternatives in his excellent book, "Ribbin', Jivin', and Playin' the Dozens." He also outlines four stages of teacher-student relationship--(1) Friends, (2) Rejection and chaos, (3) Discipline, (4) Humanization.

Teachers need support and consultation from their administrators and school consultative services--educational, health, and mental health if they are to accomplish the developmental tasks I have outlined and progress through the stages outlined by Dr. Foster. A brief teacher-principal conference or teacher-mental health counselor conference takes little more time than a planned paddling session and the results are much more productive. Many teachers are able to keep order even under difficult circumstances without the use of corporal punishment and more teachers would achieve this goal given appropriate support.

Teachers must develop realistic expectations of themselves, an understanding of individual and cultural differences in children and an ability to cope with the unrealistic expectations of some administrators. To accomplish all this most teachers need educational and mental health consultation as well as back-up from their principals and other administrators. Without this consultation and back-up support, many teachers will find physical punishment the most expedient alternative and,therefore, will fail to accomplish their educational and developmental tasks.

Punishing a child may provide some relief of tension for some teachers and administrators, but there are more appropriate ways of providing relief. The very adult who uses this outlet may be the adult who was treated this way as a child and sees violence as the only alternative. It is very clear from the literature and in my experience that many battering and abusing parents were themselves abused as children.

In addition to interfering with the developmental tasks of both teacher and pupil, corporal punishment may be physically harmful to the child. There are a number of recorded incidents of severe tissue damage, CNS hemorrhage, lower spine injuries, sciatic nerve damage, and even blood clots due to paddling. Recent evidence leads to the suspicion of possible whiplash injury especially in younger children. Other types of corporal punishment such as strapping also have the potential for physical harm.

Ms. Adah Maurer kindly has given permission to quote from her forth-coming book.

> In sworn testimony for the prosecution in a trial of a teacher accused of using excessive force and bizarre punishments, Dr. Moses Grossman of San Francisco gave a deposition:
>
>> From the medical point of view, corporal punishment, unless very strictly controlled, always involves the risk of bodily damage which at times might be severe. This is particularly the case when punishment is being administered in the heat of anger--when the person administering the punishment may not be fully in control of his emotions and might apply more force than he intended.
>>
>> In my opinion any kind of blow on the head must be absolutely banned. Any blow to the head whether delivered by a fist, open hand, book, or that results from being shoved into a

> wall can result in the production of either an epidural or subdural hemorrhange.
>
> Similarly, choking should have no place in the methods of punishment used. Choking can result in a decrease of supply of oxygen to the brain, or might even result in vomiting and aspiration of vomited contents into the lungs.
>
> Blows about the chest, over the genitalia and kidney areas might also produce unexpected and serious physical difficulties.
>
> Punishment which is capable of producing such injury should simply not be allowed. Although blows upon the buttocks have been known to cause broken blood vessels, massive fat emboli, and sciatic nerve damage, it is generally thought to be the safest area because no vital organs are located there. This , of course, presupposes that the skin is not broken and that the genitalia are protected.

Dr. Frederick L. Goodwin, an orthopedic surgeon of Portland, Oregon was asked to review and give an opinion on a school paddle that measured 33" including a 17" handle. The base was 10 3/4" across and 15/16" thick, weighing 4 lbs. It had 26 holes each the size of a penny drilled through the base. He refers to it as a "so-called paddle," more in the category of a club or a semi-brutal weapon. His statement in part:

> From an orthopedic standpoint this would be considered a very dangerous weapon...There are multiple reasons for this. The length of the paddle would give it such leverage that the impact on the buttocks of a child could be such that it could give him several of the following: (1) It could cause a subdural hematoma from the contracoup effect. (2) It could cause particular hemorrhages in the brain from the same type of traumatic jar, as well as subarachnoid hemorrhages. (3) Also in reference to the gluteal muscles of the buttocks, it could do considerable damage to these and to the underlying bones of the pelvis. (4) If the paddle did not hit quite sharply, and was turned slightly obliquely, this paddle could cause severe damage to the sciatic nerves in the gluteal area...If it happened to hit in the right place, it could cause a fracture of the bones of the pelvis and/or the femoral femur. If the above is not enough, (5) it could knock even a grown adult of my size, something like 200 lbs., off his feet and the damage could be multiple if the child was knocked off his feet to the floor or into a wall.

> The above considerations and opinions are given at this time on the basis of (1) as a human being with consideration for other human beings, (2) also as a father in consideration of children and (3) as a professional orthopedist in consideration of true medical injuries which could result from the use of such an instrument.

Just as the reported incidence of child abuse varies with public and professional awareness, so I believe increased public and professional awareness of injuries due to corporal punishment will demonstrate an increased number of reports of injuries due to school paddling and other forms of corporal punishment.

Child abuse has been defined as any interaction of lack of interaction between a caregiver and a child resulting in non-accidental harm to the child's physical or developmental state. Paddling and other forms of corporal punishment may cause tissue damage and I believe that any punishment which causes such damage clearly falls in the category of child abuse.

Corporal punishment is one teacher-child interaction harmful to children. Corporal punishment inhibits learning, interferes with the accomplishment of each of the important developmental tasks of children and their teachers, and has the potential for physical harm to the child. Corporal punishment should be considered as child abuse and prohibited in all our schools.

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APPENDIX: FIVE DEVELOPMENTAL TASKS AND THE EFFECTS OF CORPORAL PUNISHMENT ON THOSE TASKS.

Developmental Task #1:

Teacher: Learn the cues.

Task: To interpret the needs of his or her pupils.

Child: Develop basic trust (Erikson).

Task : To learn who and what to trust in his or her environment.

Effects of Corporal Punishment - Developmental Task #1:

On Teacher: Undermines ability to interpret needs of pupils.

On Child: Erodes basic trust and stimulates mistrust, anger, and resentment.

Developmental Task #2:

Teacher: Accept growth and development.

Task: To delegate some control to pupils while maintaining necessary limits.

Child: Develop autonomy (Erikson).

Task: To develop a healthy feeling of "I-ness."

Effects of Corporal Punishment - Developmental Task #2:

On Teacher: Interferes with acceptance of some loss of control.

On Child: Slows the development of feeling of autonomy and produces shame and doubt.

Developmental Task #3:

Teacher: Learn to separate.

Task: To allow independent development while modeling optimal behavioral standards.

Child: Develop initiative (Erikson).

Task: To move out into the world and appropriately assert himself or herself.

Effects of Corporal Punishment - Developmental Task #3:

On Teacher: Weakens ability to allow independent development and to model optimal behavior.

On Child: Inhibits initiative and stimulates feelings of shame, guilt, anger, and wish to retaliate.

Developmental Task #4:

Teacher: Learn to accept rejection and further loss of control.

Task: To be there when needed without intruding unnecessarily.

Child: Develop industry (Erikson).

Task: To learn to learn, work, and accomplish.

Effects of Corporal Punishment - Developmental Task #4:

On Teacher: Interferes with role as facilitator which requires acceptance of further loss of control.

On Child: Slows learning and produces feelings of inferiority, helplessness, and inability to accomplish.

Developmental Task #5:

Teacher: Develop teaching and coping style.

Task: To maintain ability to interact with and cope with pupils by adjusting to classroom roles and relationships.

Child: Develop identity (Erikson).

Task: To explore roles and relationships and learn who he or she is in relation to others.

Effects of Corporal Punishment - Developmental Task #5:

On Teacher: Limits ability to develop and to model a variety of coping mechanisms.

On Child: Slows self-definition and produces role diffusion and resentment of authority.

CORPORAL PUNISHMENT IN THE SCHOOLS: THE ALTERNATIVES

Herbert L. Foster, Ed.D.*

Before retiring to the University of Buffalo ten years ago, I was a New York City teacher and administrator for seventeen years. Sixteen of the years were in the special "600 schools" for socially maladjusted and emotionally disturbed youngsters, most of whom were boys. I would like to tell you about some of the experiences there and elsewhere.

First, though, I want to describe my first day of teaching in the New York City public schools. I had been assigned to Haaren High School where they made the move, "Up the Down Staircase," and I had just gotten out of college.

I had completed college in three years to make up for the time I had been in the Army. I first entered Haaren High School on Thursday afternoon, and spoke with the department chairman. He took me into a room that had two big doors, large tables, and told me to expect 40-45 students the next day. My assignment was to teach mechanical drawing and blueprint reading.

When we walked into the room, I saw large tables, T-squares, and drawing boards lying about the room, and I wanted to organize things a bit and put them on the side, but the chairman said, "Oh, leave them there. Just tell the children not to touch them until you give the word." Now remember, these were sixteen, seventeen, and eighteen year old youngsters I would be facing the following day.

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*Professor of Education at the State University of New York at Buffalo.

As we were walking out, he said to me, "By the way, don't push these kids too much. Just take it easy. They're not too bright and they're not too sharp."

I now understand this kind of thinking to be racism, when we don't push minority youngsters to accomplish work. When we talk about corporal punishment, we are talking about racist practices, and we are really talking about the special child. You see, the child who is being abused in school, the child who we're practicing corporal punishment against and the child who we're suspending are minority and poor youngsters. We don't practice corporal punishment on middle-class, well-behaved youngsters; we're practicing corporal punishment on poor and minority youngsters.

Before leaving, he said to me, "By the way, you're the sixth substitute to be here since the regular teacher quit two weeks ago." Friday I came into class. Youngsters started running. I noticed youngsters running out one of the doors; I closed that door. Then I noticed youngsters running out a second door; I closed that door. I kept running back and forth, finally realizing that it was the same three or four youngsters, and they were testing me; they were testing to see how far they could go, and what they could get away with. Then a youngster crumpled up a piece of paper, threw it at me and I ducked. I thought about all the things I had learned in my psych courses in college; decontaminate through humor, make a joke out of it, and I did. I said, "If that's the best you can do, you'd better hang up," and before long they showed me they could do better...T-squares, drawing boards began sailing through the air, and you know that place where the teacher puts his or her feet, called the knee hole? I hid there. I actually hid there! I was frightened, and I tell you, I really considered suicide that weekend.

Some of us remember the times around 1950-51, when a lot of us were students. We were growing up, in those days, as depression babies. The only way I got to college was to join the Army and get a G.I. Bill. And I tell everyone, if you want to know exactly what I did the next day, you have to buy my book to find out what I did Monday when I came back ("Ribbin', Jivin', and Playin' the Dozens").

Let me quickly go through some of the things I consider important, and why I personally cannot support the use of corporal punishment as a solution to the discipline problems we find in the schools. First of all, I'm not a pacifist. I want you to know, I'm not a pacifist. I'm very physical...I'm very aggressive. I enjoy playing hard basketball and pushing and shoving under the boards, and tennis sometimes bores me because it's not physical enough. So, I'm not squeamish about physically touching youngsters and getting involved physically with youngsters. In fact, I wish more of our teachers would become physical with their students in a very human-feeling kind of way. So, I'm not arguing against corporal punishment from that point of view. I also agree we must have law and order in the classroom. There isn't any question about it. There must be a certain amount of order in the classroom. Each teacher will need a certain amount of order, depending upon his or her personality, in order to teach. You cannot teach in a chaotic atmosphere. There's no question about that, either.

I also agree that students should not be allowed to interfere with the education of others. And, I agree that one of my roles is to remove a youngster from the classroom who is interfering with instruction, but I do not believe that the teacher's approach should be, "You're going to be suspended, or we're going to practice corporal punishment on you."

I firmly believe that the approach should be to find out what is causing the problem, and then return the youngster to the classroom, without any threats. And that's the way to "work it out." That's the way "we" would work it out, and it works.

Also, I used to practice corporal punishment. I openly admit it. In spite of the New York City law opposed to corporal punishment, corporal punishment is practiced in New York City schools and in many other schools. Let's not lie about it. New York state education law does not even mention corporal punishment. So, it's actually left up to each school district.

When I practiced corporal punishment, I believed in it; then as I matured and grew as a teacher and as a person and had to deal with my own conscience, I stopped using corporal punishment.

When I became an administrator, I also stopped corporal punishment in our school. and the level of violence in our school, this is a "600 school" where we had youngsters who had beaten up youngsters, had raped, and had stolen, went from an astronomical level to practically zero. We lowered the level of violence by stopping corporal punishment by physically restraining a youngster if necessary. And we dealt with things like this (speaker holds up a broken bottle, and other assorted hand-made weapons) that we had to take away from youngsters. Yes, objects like this we took away even without practicing corporal punishment or overusing force to remove them from students.

I have been talking about teacher responsibility and perception of role, but now I would like to mention the teachers. I should like to talk about whether a teacher considers his role passive or participatory. There are some teachers who consider their role one of a professional coming in and just teaching, without any responsibility for discipline, motivation, and reinforcing positive behavior. This is the passive approach. On the other hand, the participatory teacher feels his role includes disciplining, motivating, and reinforcing the positive behavior of his students.

We have heard that the city of Dallas has been accused of racism in relation to suspensions. But let me tell you about the North. I'm one of those Northerners, by the way, who goes around the country working in the school districts being desegregated, and in just the last two or three weeks I've been in South Boston High School working with the staff. When you walk into the school, you must pass two big gadgets like they have at the airports that the kids must walk through in order to get into the school. I had a black colleague accompanying me, and we had to get a police escort when we went into South Boston, although, as it turned out, we really didn't need them.

I've also been to Indianapolis, and in all these schools that I've visited, I find a lot of the teachers, in desperation, because their superintendents and their principals are not owning up to the real kinds of problems that exist. In desperation, they want to hit the black youngsters.

In today's New York Times magazine (September 6), it is reported that during Denver's first four months of desegregation, 3,844 high school students were suspended; 2,748 were minority students. In Louisville, one principal complained, "Those kids tend to talk back more. They tend to be louder." The minority youngster is immediately seen as a problem, even before he is a problem.

Now, there's another group of youngsters that I find in the suburban area where I live, and in many ways they are similar to the streetcorner youngsters I find in inner-city schools. Remember, not all black youngsters and not all minority youngsters are disruptive. Just two or three out of a class of thirty can be legitimately called streetcorner youngsters. They challenge the teachers using streetcorner techniques. The equivalent in the suburban, rural, or urban schools was commonly called the hard kid, the greaser, the punk when I grew up. Perhaps there were other names for these kids in your schools when you were growing up. They dressed a little differently. They were the ones suspended. They were the ones sent into special ed programs or vocational programs. But in an inner-city school they disrupt and in a suburban school they are not allowed to disrupt. These are really the youngsters we're talking about.

What is important is that they challenge the teacher using different kinds of techniques that are not typically middle-class kinds of techniques. For example, around Christmas time, a student who is a streetcorner youth may go up to a woman teacher and say, "Miss Fallon, what does trim mean?" Trim. It's around Christmas time. Her response will probably be to trim the tree, and the class will laugh and crack up because on the streetcorner, it means sexual intercourse, or vagina.

This, of course, creates a discipline problem, which in some cases leads to corporal punishment and in other cases, can lead to suspension. What I'm arguing is that we have to help our staff to understand the testing behavior that youngsters use in testing the teacher, which then results in the disruption and retaliation on the part of the school. We have to get into these games and understand them. There are woofin' games which are very physical, aggressive, and sexual. We have to know them and cope with them if we are going to effectively work with teachers.

Education often takes place by the teacher providing a model for emulation; my compatriots have mentioned this, and I'll just hit on it again. If we talk meaningfully about resolving our problems by discussion, by mediation, by arbitration, or verbally, then we shouldn't go around hitting people. If the teacher believes in negotiation and compromise, then administers corporal punishment, from my point of view, that makes the teacher a hypocrite. It means everything the teacher has preached is going out the window, "You can't touch anyone, but it's okay for me to do so."

Aggression and violence follow a circular kind of behavior. The youngster may get hit at home, then may have a problem on the school bus, not only in desegregated districts, but in lily-white Northern areas. Youngsters ride the buses in both places. (In fact, in some places where I grew up in upstate New York, the youngsters who rode the bus were held in higher esteem than the youngsters who walked to school. So, it depends on how you want to talk about busing.) Anyway, this kind of aggression is the circular kind. A youngster then comes to school and in some way uses the home-learned aggression against the teacher or fellow students. It's up to the teacher to absorb that aggression, to understand it, or else the circle of aggression continues and goes back home, back on the bus, and on and on and on.

Schools do have a mental health function. It's far cheaper to provide the special services, in-service programs for teachers and other kinds of help than it is to put a youngster into an institution or eventually to go to jail. And, that's really what it comes down to. We have to provide these services for our staff and our teachers.

We also have to develop non-punitive kinds of techniques. I ran a course where we trained psychiatrists, psychologists, social workers, and teachers on how to disarm children, how to break up fights and physically restrain them without overusing force or corporal punishment. And, in some cases in our school when I played the role I call the Interventionist, where a youngster interrupted the education of the others, I removed him physically, and when we remove youngsters physically, there is never the need to use corporal punishment.

A good example of this, and we've got to do it in this country, is what happened in Los Angeles when the police shot it out with the SLA. It was like an infantry engagement. They shot the place up and killed a number of people. The opposite can be found in New York City, where the New York City police department has a different kind of squad trained in getting hostages back without firing one round.

The level of violence in America has to be lowered. I feel that we, in the schools, have to begin doing this, by not doing, and not practicing corporal punishment.

First Debator - Dr. David Friedman

I'll try to keep to three minutes. Someone asked me what kinds of injuries we've seen from child abuse, and I've started a campaign to collect some of these things through my own explorations. So far, I've found some evidence of possible nerve injuries secondary to paddling, some possible whiplash injuries secondary to shaking and then cases of some lesser injuries. There was, however, a fracture of the pelvis in one situation from a paddling. There is clear evidence that corporal punishment does and can cause great injury. I recall one case of a possible brain hemorrhage secondary to hitting the head, so they're all very real things.

The second point I want to bring out is the case in North Carolina did not deal with the corporal punishment issue at all. They actually dealt with two issues at the state level; due process protection where the punishment was cruel and unusual, and the question of parental consent. However, they only brought one issue to the Supreme Court, and that was the issue of parental consent. It's a little unfair to assume this situation was condoned by the Court. I want to quote from my letter to the Court. I think that's the best approach, since it got me involved in all of this. The letter vas sent to Chief Justice Burger. It begins:

> The Supreme Court's decision condoning corporal punishment in the schools is clearly unwarranted...By the condoning of paddling, one may increase the difficulty and complexity of those of us involved in the child abuse area. You are creating an atmosphere where violence is a solution to impersonal problems and your decision gives marginal parents the license to abuse. It is clear from my data that the child treated violently today will be the parent who resorts to violence tomorrow. My data also clearly demonstrates the need for support systems for parents, and your decision disallowing parent rights undermines our efforts to assist abusing parents who are in dire need of support.

I think there are far better ways than the use of corporal punishment to cope with problems in the classroom, and I'll leave this up to my colleagues to discuss some of the alternatives to corporal punishment, which are many.

Second Debator - Margaret Fallon

I should like to ask some questions of the people who have spoken on the other side of the issue. One or more of the speakers have said it is not necessarily the child who is disturbed who receives the corporal punishment. I would like to know what procedures you have for making sure that the proper steps have been taken before the child receives corporal punishment, or do we just look at the child and decide? I was also very interested in noticing that in the state of North Carolina not only are the teachers able to physically discipline children, but also aides are able to do this. I ask you, are these untrained people? What training do you give these people? What supervision are they given? I was also interested to note that in North Carolina physical punishment stops at the sixth grade, but I think I know why--I have a feeling--If you say that it is not as effective after the sixth grade, I wonder, is it because the children are bigger than the teachers, or is it because it has been found, for other reasons, to be ineffective? I should also like to ask the gentleman from Vermont, what kind of a choice is it when you give a child the choice of corporal punishment or no school forever? That's what it sounded like to me. If your suspension is of long duration, what kind of a choice can a child realistically make? I also would like to know what supportive services and what kind of a budget is available in each town to provide for those children eventually singled out for punishment either before or after the corporal punishment is given? I would also be curious to know what follow-up has been done on children who have been receiving corporal punishment in your schools over the years? How many of them have done extremely well? How many of them are now delinquent? How many of them are disturbed? Finally, I would like to know what recourse a parent has if the parent, as I understand it can happen, hears about this later? When we suspend our children, this can be stricken from the record if the parent does not agree, but once a child has been hit, how do you strike that from the record?

I'll be brief. I recall a Texas decision on corporal punishment, involving a young girl beaten by an assistant principal, and had a hemorrhage or some similar injury. Even though she required hospital treatment, the Supreme Court upheld the school's action on the basis of "in loco parentis." In such cases, where is the child's protection?

Once we give permission to use corporal punishment, there is no telling really how far it might go. Also, it would be interesting to look at some examples of the kinds of student behavior that bring about corporal punishment, and how much these behaviors vary from situation to situation.

Let me read a quote from Lazarus's book about the origins of the urban school in Massachusetts, which took place in 1889. The youngsters being hit in the schools in those days were white, immigrant children, by the way. There was a heated discussion in the city of Boston and in Massachusetts concerning corporal punishment going on at that time, and this is a quote from Superintendent Snedden:

> We have one school district in this city from which one-third of all the arrests for crime are made. We have in one of our schools 280 boys from Russia and Italy. A classroom might contain six or eight nationalities. Many of these children come from homes of vice and crime. In their blood are generations of iniquity. They hate restraint or any obedience to law. They know nothing of the feelings which are inherited by those who were born on our shores.

Such was the case in many of Boston's school districts where attacks upon teachers were common. In one reported incident, a revolver had been drawn. Let me read on:

> The teachers in some of these schools who are trying to rescue and save these boys from ruin are engaged in a mission almost as holy as the ministers of religion. Restricting teachers "who by their surroundings are compelled to punish" undermine the schools' powers of good and strengthen the elements of violence by reducing authority.

Strong teachers, the paper concluded, were all that stood between these boys and a life of crime.

Fourth Debator - Lansing K. Reinholz

If you didn't like the words, "slap on the ass," you won't like the next statement. If I was Fontana and I used words to describe teachers and administrators such as "perverse fascination and ingenious methods of torture," I would have sent somebody else to read the paper, too. In my experience, I've never seen a teacher who had a perverse fascination with disciplining kids. Those teachers would rather discipline in terms of academics than discipline in terms of behavior. They are concerned with making them behave. Speak to any classroom teacher and ask him what he/she is there for, and he/she won't say he/she is there to discipline children, he/she will tell you every time that he/she is there to teach. Every union contract negotiator has negotiated on the basis of getting away from such things as disciplining children and doing menial kinds of tasks that we've asked professional educators to do, so they have time to teach. The problem is and it can be identified, the whole problem we're talking about can be identified as why do children misbehave to the point where they are disruptive to others as well as to their own education? If we can discover why the problem occurs with individual children, then we could provide preventative techniques for dealing with each problem, if society is willing to pay the bill. We continually hear that schools have to use particular methods of disciplining because they refuse to provide support services; they refuse to provide teacher education so they can deal with disruptive children, children who refuse to behave in classrooms. I don't set the budget for the City of Burlington. You don't set the individual budget, if you are a teacher in the district in which you work. The public pays the bill. And we're saying the public refuses to pay the bill. In the last two years, in the City of Burlington, we've seen the revenues for that city diminish by one million dollars. We are operating with $200,000 less in 1976-77 than we had in 1974-75. Now, how in the hell can we provide those kind of support services with that kind of money? And, I say that instead of living in a kind of situation that's chaotic in a classroom, we have to use those things that we have available to us. Granted, we don't have all of the things available to us that we would like to have. Not nearly enough money is provided in the budget for teacher education--teaching teachers how to teach, and how to deal with those kids that are causing a disruption in the classroom. But we do provide psychological services. We do provide learning disabilities classes. We do provide one of three Early Essential Education Centers in the whole country. We do provide a Special Education program in the Burlington Public School System second to none in Vermont; second to none in New England, and certainly, one of the best in the country. The University of Vermont Special Education Department is recognized as a leading authority in the field of Special Education. They are in our schools. We have an early diagnosis program. We identify those kids that have special learning problems, that are handicapped, and they are in the kinds of classes where we don't have to think in terms of disciplining children. We're talking about the hard-core discipline problems in the school year after year, teacher after teacher, class after class, situation after situation. Every single technique available to a classroom teacher and the principal has been used. What do you do with that kid now? Abuse them? No. We don't abuse them. There isn't an administrator that I know of that abuses kids. There isn't a teacher that knowingly abuses kids. But, by heavens, we've got to do something with those kids, and if it means throwing them out on the street not to return forever to the school, I say that maybe we ought to consider corporal punishment as an alternative that may work in individual cases where you know the kid, you know the parent, you've examined the problem, you have a good historical data base to work with.

It's a hell of a lot better alternative to try corporal punishment than sending him/her out on the street where you and I are going to support him/her for the rest of the time that that person lives. He/she is not going to contribute anything to society once he/she is out of school. And, if the alternative is whacking him/her on the fanny once or twice and it helps, it's a hell of a lot better than sending him/her down the road.

Fifth Debator - Dr. Kenneth R. Newbold

We would agree with the opponents that corporal punishment can be misused. We would concede that point, and we do not want to see corporal punishment misused. If corporal punishment has been outlawed by the public policy of the Board of Education of New York City, why is it being bootlegged by people who apparently think it is still a viable alternative? No, you are not restricted to the first six grades in the use of corporal punishment, In grades K through 12, we have just found, that it's a function of age as to what punishment techniques you use in the school system. At least that's been my experience. Some are more effective with younger children than they are with older children. No, we have not done follow-up studies. We are beginning to keep statistic on corporal punishment and suspensions and dismissals and hope in the coming years we can do some research to see if it is true that there is a disproportionate number of minorities, or low socio-economic students, or any other group of students, who are receiving more suspensions and dismissals from schools. But we're not talking about suspensions and dismissals here today. We're talking about corporal punishment. And, my own experience has been it has not been used disproportionately with minorities, nor has it been used disproportionately with any socio-economic class. Again, that's an area of research that we ought to check into. If the position of A.P.D.A. is a rational, logical, well-thought-out position in opposition to corporal punishment, then why haven't you been able to sell your point of view to the majority of citizens and taxpayers in this country who foot the bill for public education? Obviously, you have either been talking only to yourselves, or you have not sold them. My next question would be, if the other alternatives to corporal punishment are so effective, why is it for seven straight years that poor discipline in public schools in America persists in being the number one concern of parents in this country? Obviously, these other alternative forms of discipline must not be working out as well as we think they are if the public is still concerned about the level of discipline in public schools. I think if other forms of discipline can be shown superior to corporal punishment, then I think rational thinking people would support corporal punishment being outlawed. But, at this point in time, it is basically an effective deterrent. I do not want to see knives abolished because a surgeon happens to slip up and misuse that knife in an operation. I do not want to see food abolished because some people misuse food by the overeating of food. Corporal punishment is a deterrent. It is like the issue of capital punishment. Many people are for and against it. But, until someone can show a better deterrent, it is a deterrent. It is not used with large numbers of students. In most schools, in most school systems, it would shock you how few students actually have had corporal punishment administered to them. So, in my opinion, we are waving a red flag. And I want to know the statistics, Doctor, on the cases that you're talking about involving abuse. Were these school abuses by teachers or by parents? We haven't segregated the information that you have shared with us. I get the impression you're talking about parent abuse more than you are talking about teacher abuse, and I do think you have to distinguish between the two before you indict schools. In summary, what I am saying is that corporal punishment is one of many, many alternatives to promote discipline and adequate levels of discipline in our schools. It is a deterrent. It is just one. Correctly used, in my opinion, it is a very effective deterrent. And, yes, we do have a superior special education program. We also have guidance counselors, and school psychologists. We have all the supportive services that you would expect in a progressive school system in North Carolina. So, we are talking about, basically, that middle group of students, the typical student in the public schools. We are not talking about the exceptional child who we would expect to be in special classes and where you would probably never see corporal punishment used with them.

Sixth Debator- Attorney Andrew Vanore, Jr.

I would first like to point out that one distinguished justice on the Supreme Court of the United States wants it pointedly said that the Supreme Court is what a majority of the Justices on the Supreme Court rule, and the Constitution is what a majority of the Justices on the Supreme Court says. Now, I have to disagree with what Dr. Friedman just said. I, of course, have been intimately involved in this particular case and the Supreme Court of the United States has simply said even though corporal punishment is sometimes abused by teachers, it is not unconstitutional in any sense. Not even in the sense that it is cruel and unusual punishment, because they have said it is not; not even in the sense that the parent has a right to control the kind of discipline that is used by school administrators in the public schools, because he does not. It seems to me that in instances where you do have abuse, the type that the proponents have pointed out and I would myself personally consider to be abusive, would probably be held to be criminal conduct in North Carolina. I can't speak for the other states, but simply because, on occasion, someone abuses someone does not imply that the best way to stop this abuse is to say it is illegal, or unconstitutional, or cannot be used under any circumstances. As a lawyer, I simply support the right of the general assembly of North Carolina to tell teachers that they can use whatever reasonable force is necessary in order to maintain discipline. And, reasonable force, of course, includes the use of corporal punishment. If it's abused, then the teacher or principal that abuses it ought to be prosecuted, criminally or civilly. Simply because sometimes, though, it is abused does not mean that that right should be taken away.

First Discussant - Mr. Dean Westmoreland

Thank you. It is indeed a pleasure for me to be here. I'm still a teacher in the secondary level in this group, and I sort of feel like the buck private surrounded by generals, here, but I do support North Carolina's corporal punishment law.

When I received the invitation to participate here today, I accepted, but somewhat looked forward to it like a piece of pork anticipates a sausage grinder, in effect. But, you have your opinion, and I have mine, and I respect yours and I hope that you will respect mine and ours, even though we both think the other is wrong.

There are, I would say to you, some participants here from North Carolina who do not share the idea of the debators from North Carolina, so there are some of you here who will know that there are some from North Carolina who are, in your opinion, enlightened on the matter. There are--none of us are going away converted to the other's position, but I would say to you that it is essential that we retain the opportunity to talk with each other about what is obviously a problem in this country, and it's not North Carolina's problem, as you've been told over and over again. It just seems that way since the case occurred in North Carolina.

We have talked a bit this afternoon about Baker versus Owen and the steps, the four major steps that it laid out that dealt with the application of corporal punishment, and, as far as I'm concerned, and as is the usual case, the teacher was left holding the bag on this particular case. Now, I'll go through that in just a minute.

I was very, very happy to hear a thread that ran through this complete discussion that teachers must have assistance. I'm glad that somebody sees that teachers must have assistance. And not only you, but the public must see and must know that we need assistance. Teachers are overloaded with students, continuously overloaded. In some of these situations mentioned where idealism works, there may be a one to five ratio. I should live so long to get one to five. I would be so happy with that. Teachers are underpaid. I don't care how you look at it and what you think about it, they're underpaid. They're undertrained in these special areas, and we need more support from you people and from the parents in this country.

Some of the things that we have said here today is that corporal punishment is a deterrent. It's a deterrent to pupil misconduct. Discipline, in our opinion, is necessary for learning. We're not talking about lock-step discipline. We're talking about setting up the perimeters and working within them, and if standing on your head in the corner is part of a learning process, then stand there. But, we're saying that the abolition of all corporal punishment gives students the upper hand in the matter of maintaining order. All right. Corporal punishment is not child abuse, as has been repeatedly said. Those who oppose it, always couch it in terms of child abuse. There are laws against child abuse and trials which have taken care of those who do abuse children. Corporal punishment is administered as a last resort when all others have failed. There's been discussion here today as to whether--which of the two following items would be worse, suspension, permanent suspension, or corporal punishment. Corporal punishment is simply an alternative in this discipline business. It should not be applied with malice of forethought. It's just one more method of administering discipline. The idea of the home responsibility has been covered that the home does bear a responsibility in this discipline business.

Doctor Newbold repeatedly talked about the Gallup Poll, and that's exactly what occurred all over the country, that discipline is the number one issue. But I would like to say this, the idea that many parents, in fact, most parents, when they're talking about administering discipline and corporal punishment, they're talking about the other person's child. They want teachers to beat hell out of everybody, but leave Junior alone. It's that simple. And that won't work this way. It's just like whenever somebody says, "Well, we'll change all the congressmen, but don't you vote against mine." It's the same thing. I think that I heard throughout this debate somewhere that, even on the other side, that there were some good points on both sides and some bad points on both sides, even down to the point of how much corporal punishment, what kind and where you administer it, whether it's on a part of the body, or standing in the corner, or whatever.

I do sometimes get a little bit upset with somewhat of an idealistic approach that we look at all of this through rosy colored glasses when the teachers are the ones that, again, are the buck privates. They're on the front lines and, like war, sometimes it can be hell. Those who aren't on the front lines tell you how it is to fight and how it is to live. The abolition of corporal punishment has not reduced violence in some of the schools in the North, no matter what you say. In fact, I believe that it has probably increased.

I watched an educational television show the other night which, by the way, at my house has replaced regular T.V., featuring six teachers, one from Connecticut, one from New York, and I don't remember where the other ones were from. But, one of them wore a neck brace where she had been attacked in school, and the other one had just gotten out of the hospital from being attacked, and they didn't have corporal punishment.

Throughout this dicussion we have seen, in the use of slides and this type thing, that--and as Doctor Newbold said, we have not established whether all of this damage that you've seen here was done in the public schools. I think I heard the father had paddled the child with a ping pong paddle. I've administered corporal punishment in my day--not a whole lot. I've taught about 3,000 students over the last 15 years and probably administered corporal punishment to maybe 15. I think that's a prettyfair percentage, and that was always in a last resort. Some of those students that I've had that I did administer corporal punishment to came back to me after graduation and said, "Well, you know, you spanked me. Some of the other teachers didn't." And they didn't go by their room. And, to me, that was a little message that you made an impact. And, as they said over here a little while ago, I think I won the war rather than the battle.

So, those are the major points as I saw, that were brought up here, and I don't know if anybody's going to ask me any questions. I'll still look at the questions like the sausage grinder. Thank you.

Second Discussant - Dr. Gertrude J. Williams

I'm glad the matter of abuse and school spankings came up. I'm going to show you something that might just have a loud voice, and I carry it. This is a rug beater. It's also a child beater. It is what is sanctioned by the St. Louis city schools for administering to elementary school children. Pardon me. That was a crack on the rear. To what the school board politely refers to as the fleshy part of the back. They're too genteel to say ass. Now let me show you. Is this corporal punishment, or is it child abuse? (Dr. Williams walks over to Mr. Reinholz, and holds the paddle menacingly over Mr. Reinholz's head, grasping him firmly by the arm.) Now then...Mr. Reinholz, you have cussed in this classroom. You have used the words ass, damn, and hell, and I'm going to give you a choice, boy! You have a choice of quitting your job, or getting hit across your ass with this corporal punishment stick, and it's not going to be done by me, babe, because I'm angry at you! It's going to be done by Dr. Welsh.

Mr. Reinholz: (Looking a bit uncomfortable.) I'll take the stick.

Dr. Williams: I'll see you later. (Walks back to the podium.)

Now, this has been used in evidence in many cases where psychologists, pediatricians, surgeons, radiologists, psychiatrists have documented injury to children who were beaten by their teachers in the public schools, and I was an expert witness on a lot of them, and I've got to agree with you, we didn't win a single case, because violence in America is...violence is as American as cherry pie. And, the schools are not presenting an example of peacefulness to the new generation coming up. Corporal punishment is not discipline. It is a lack of discipline. Numerous studies indicate that it is the most inadequately trained teachers who use violence. Advocates of corporal punishment say they have no discipline problems in their schools, and I bet they don't. What you have in your North Carolina classroom isn't discipline or respect, but seething hatred, terror, helplessness, and, oh, so often, psychic numbing. So that everything is wiped out, even new information.

Now, regardless of the problems of teachers and school staff--and I'm very much aware and I sympathize, and we all do, with inadequate salaries--you deserve so much from the taxpayers, from society; we're sympathetic with the large classes and all the other burdens that you experience every day in the course of your daily work round. We...we're with you, we understand. However, that does not justify your use of violence against children in the classroom any more than those dissatisfied with their employment have a right to whip the subordinates under them.

I might mention, regarding the children who were just so glad that they were hit, that from a psychological standpoint, they're very much on their way to masochism and sadism.

Now, proponents of corporal punishment state that violence is somehow not violence when it occurs in the classroom. It becomes defined as violence only after a child is murdered or there's a sensational case of child abuse by a teacher or a parent, and this is published by the media. Corporal punishment and child abuse are on the same continuum, namely, violence. Now, let's not hear any more doubletalk.

Most abusive parents and teachers don't plan to abuse their children. They start out to "discipline" them physically or use corporal punishment. And then, the violence intensifies. According to medical findings, the right buttock of the battered child is especially affected, since blows are directed primarily to the right side when children are laid over their teacher's or parents' knees for a spanking. No one starts out being an abuser. It just escalates.

Doctor David Gil has indicated that the wide-spread acceptance in our culture of physical discipline of children is the underlying factor of physical child abuse, both at home, at school, and elsewhere. So, the school joins other American institutions such as the police and the military in having a mandate for physical force as a means of social control.

I'm glad that Attorney Vanore brought up the issue of child abuse at this particular time because right now the Child Abuse Protection Act is being implemented amidst all the "be kind to children" clamor in this country. The Supreme Court sanctions violence against children in the schools, and the Court maintains the state's interest in maintaining order must be balanced against the mother's right to control the means of disciplining her child. Outlawing corporal punishment, the Court says, bucks a settled tradition of countenancing such punishment when reasonable. Get a load of that. Now, what's reasonable? If an adult continued playing kickball after the coach had blown the whistle, and the coach had beaten him or her on the buttocks with a foot-long, wooden drawer divider, the coach would have been viewed as unreasonable, if not demented. When the same action is taken against an eleven year old schoolboy, the plaintiff, the action somehow, word magically, becomes viewed as reasonable, because striking an adult is assault; striking a child is discipline.

There are other irrationalities. The Child Abuse Protection Act legally requires employees who have contact with children to report, immediately, the "reasonable suspicion of the child caretaker, the parent, who battered their children." Bruises on a child inflicted by a parent would be considered instances of suspected child abuse. Bruises inflicted on a child by a teacher are apparently examples of the settled tradition of corporal punishment. How can you take a parent to court for battering a child and allow a teacher to punch him around? If a court can remove a child from his parents because of battering, how can they hand that child over to the school for abuse? Furthermore, who will report the teachers who are subject, legally, to the same mandatory reporting laws as parents? Certainly not the parents. The parents can't. The plaintiff tried, but the Court has upheld the teacher's right to abuse a known emotionally fragile little boy. And, if we had a report, would reporting the teacher do any good?

In New York, a teacher tried to report a pattern of repeated beatings of children in his school, and the school authorities did not respond. Finally, in desperation, the teacher went to the New York Times with a paddle as evidence. The result was the teacher was suspended for going outside school channels.

Clearly, Dr. Friedman's medical data are examples of school abuse. You can't pass the buck to parents on this one. The cumulative emotional effect of being struck before classmates on the child victim and the child and the teacher is incalculable.

Now, Mr. Reinholz, I embarrassed you just a few minutes ago, and I wanted to...

Mr. Reinholz: Not at all.

Dr. Williams: Not at all? Fine. Then you are psychically numbed, I guess, like all the rest of you battered kids. (laughter) All right, then, I won't apologize.

Now, just as battering parents serve as a model of violence to their children, so does the school, a major institution in our society, serve as a model of violence to parents when it sanctions spankings. The Supreme Court's ruling, as Dr. Friedman indicates, contributes to child abuse because it gives explosive, inadequate parents social sanction for battering their children. We need you as positive models, not violent ones.

The issue of assault on teachers and vandalism by students has been used to justify physical coercion, but our evidence indicates that schools that routinely use corporal punishment have disproportionately high rates of vandalism. Further, the young and helpless students are hit the most--it's the children from kindergarten to sixth grade who are the ones who are not the big ones. In fact, there are data to indicate in addition to the younger, smaller, elementary school children, many of whom are handicapped and emotionally fragile and problematic, are getting the hell beaten out of them over and over, and it's not working. As you, yourself, said it is the same bunch of troublemakers, and violence against them is not working, or not in the way that you planned. A significant number of these children are from the ghettos and barrios, and there is racism here. There's reverse sexism in the fact that boys are beaten more than girls.

Dr. Welsh's and other findings suggest that children who receive corporal punishment in the home and school when they're too weak to defend themselves retaliate when they're older and stronger by assaulting teachers and vandalizing schools. Are the schools willing to reap the violence they're sowing in their violence against children?

Now, the irrationalities: Violence against children by parents and teachers is discipline; violence against parents and teachers by children is assault. A teacher's lack of discipline is called discipline. A child who strikes a teacher creates disorder. A teacher who strikes a child creates order in the classroom. War is peace. Peace is war. 1984. Double talk and violence are alive and well in the country.

Now, I'm winding up. In 1853, a judge of the Indiana Supreme Court noted that it was illegal for a master to beat his apprentice or an officer, an ordinary sailor, and he wondered, he said, why the person of a schoolboy should be less sacred.

Now, corporal punishment has been abolished in a number of countries: Denmark, Sweden, Finland, the Soviet Union, Norway, Holland, Israel, and Japan. Regrettably, the U. S. Supreme Court did not ask in 1975 why the person of an American school child should be less sacred. Thank you.

Question from the Audience

Q. Mr. Newbold, I'd like to know whether any of you gentlemen or any of the people in the room have done any studies on rates of juvenile delinquency, rates of adult crime, studies of prison populations, as well as business populations, of school teacher populations to see what the correlations might or might not be between children who are subjected to corporal punishment either in home or school. I don't think there's that much distinction, in my mind. And, I'd like to know, I mean, my impression is from the little I do know that, for instance, North Carolina has a very high rate of crime. Now, I may be wrong. I don't really know the figures. I would tend to correlate this with the acceptance of the use of any kind of force. Now, maybe again, I'm wrong.

A. Now, to answer you. North Carolina does not have a high rate of crime.* We do have a large prison population and we have a lot who were sentenced to capital punishment which has put us in the spotlight on that issue. There has been no research on what you're saying, and it would be interesting research to get. Frankly, I just don't think there's been that many cases of corporal punishment that has really warranted that kind of follow-up study, although, perhaps, it ought to be done.

And, while I'm on my feet, I have seen exhibited here today, at this debate, Doctor, one of the cruelest and the most inhumane forms of punishment that I know anything about, and which in my opinion is much more severe than corporal punishment, and that is the skillful use of sarcasm. For teacher after teacher, and human being after human being to dehumanize another human being and put them down through the skillful use of sarcasm, verbal reprimands, admonitions, or call it what you want, is in my opinion much more psychologically damaging than corporal punishment could ever become.

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*Editor's note: According to the 1973 F.B.I. Uniform Crime Reports, North Carolina was relatively low in overall crime. However, it was 10th in violent crime, 8th in murder, and 1st in assault, and had the highest number of individuals on death row of any state in the union.

Final Comment by Dr. David Gil, given at the request of the Symposium Chairman

It is difficult to comment on a discussion that has been going on for over two hours, when by now everyone seems tired.

I am certainly in agreement with members of the panel who object to corporal punishment; yet I also understand the arguments for "realism" presented by panelists who favor the use of corporal punishment under prevailing circumstances.

It seems to me that if we wish to resolve the dilemmas of this discourse, we need to redefine its terms. We need to begin with a question which has been missing from the discussion. This question is: What are we rearing our children for? What is the function of our schools, their teachers, principals, and superintendents? What are the functions of school psychologists?

If the function of schools and their personnel is to reproduce the prevailing social order, then, I am afraid, corporal punishment is not only desirable, but even essential. For we now live in a social order in which we have to be prepared to be "beaten" throughout our existence. We are not genuinely free and self-directing humans as adults and, therefore, we have to be prepared as children to conform, to adjust, to fit in, and to take orders. We must learn to respect authority be it competent or not. We must learn to function in hierarchical organizations, to find a spot for ourselves within such hierarchies, to get ahead within them, to control those below us and pay respect to those above us irrespective of their qualifications. There is no better preparation for fitting into such alienating structures than fear of authority figures and oppression of the human mind. And this is what our schools now do, whether or not they are using corporal punishment.

In Massachusetts, where I live, corporal punishment has been outlawed in the schools, and I have been active in efforts toward this end. However, while we stopped beating our children physically, we continue "beating" them in many other ways which may be even more severe. Very few children achieve their full human potential in our schools.

The real issue which we ought to address is whether we want our children to grow up with the mentality of slaves, or whether we want them to develop fully and freely, and to actualize their inherent human potential. If we want them to be free and self-directing human beings, we must transform our society and its values and institutions in a manner conducive to genuine freedom for everyone.

To hit or not to hit children is a false issue. The real issue is much deeper: what kind of society do we want? A society of equality and freedom and opportunity for full development for everyone, or a society where people are means of exploitation rather than masters of their destiny. As long as we want the prevailing, alienating social order to continue, we will hurt our children, overtly or subtly.

A NOT-SO-UNBIASED OVERVIEW OF THE ISSUE

by

Dr. Ralph S. Welsh

As the chairperson of the symposium, I was forced to remain neutral during the debate. I now feel a bit guilty taking space at the end of this monograph to express my own personal bias...but not enough guilt to refrain from doing so.

Personally, I suspect that the U. S. Supreme Court's decisions to allow school spankings will probably have less impact on the educational system than those opposed to school spankings fear, or those supporting school spankings would wish. The sad fact will probably be that a few school boards will vote to include corporal punishment as a disciplinary procedure in their schools, even though they had never even thought about it prior to the ruling; some teachers will undoubtedly now see corporal punishment as a license to beat the daylights out of their most troublesome pupils, with the result that school vandalism and crime will escalate in those school districts that encourage its use; and the long-standing efforts of those of us who have been trying to eliminate this counterproductive procedure from the educational scene, once and for all, as was recommended by the 1972 N.E.A. Task Force on Corporal Punishment, will be set back another ten years. On balance, when I look at the situation objectively, I must agree with the pro-corporal punishment advocates that the possibility that physical harm will now occur to numerous students (a prediction feared by some of the participants in the symposium who were against physical punishment) is exaggerated; but I am not sure that I feel the same way about the possible psychological damage. Nevertheless, as the symposium supporters of corporal punishment pointed out, the school official who uses it rarely intends to inflict physical damage on the pupil.

Abuses do occur, especially in school systems where corporal punishment appears to be encouraged rather than used only as a last resort (see Maurer, 1974), but I am far from convinced that any of the gentlemen who spoke in favor of corporal punishment at the symposium would knowlingly have harmed a child.

Obviously, the solution to the problem, as apparently all participants agree, is for us to develop viable alternatives to corporal punishment, and provide better training for teachers who are forced to handle discipline problems. In spite of his pro-corporal punishment position, Dr. Newbold acknowledged the value of the non-punitive Glasser approach (see Glasser, 1969) and those techniques currently being developed by specialists in behavior modification; he simply lamented the fact that few teachers have the training necessary to institute such procedures. Those of us working with behavior problems every day doubt the validity of this argument. When corporal punishment is eliminated from a school system, violence invariably goes down, as Dr. Foster observed in his own school system, and as others have also observed (see Maurer, 1975) even when substitute procedures have not been formally instituted in the school system.

No matter what the arguments happen to be in favor of corporal punishment, the research data strongly suggests that corporal punishment is a potent potentiator of aggressive behavior (see Becker, 1964, Eron et. al., 1971, Sears et. al., 1957, and Langner et. al., 1976). Further, cultures utilizing corporal punishment as their primary socialization technique tend to be aggressive (see Bolton, 1973, and Whiting, 1963). It is singularly ironic that oorporal punishment is most commonly used in the home in response to aggressive behavior, when it potentiates the very behavior the parent is attempting to suppress. My own data, involving a sample of 77 delinquent males and females, clearly shows that the severity of corporal punishment utilized by parents is proportional to the severity of their ultimate delinquent activity (see Welsh, 1976a). Moreover, all of the males in our sample who were found to be recidivist delinquents had been exposed to a belt, board, extension cord, fist, or the equivalent during their developmental years.

Another irony also exists. Mr. Westmoreland, during the symposium, suggested that there are many people who would like other children to be hit by the teacher, but not their own. My data does not suport this at all. In fact, the children most likely to be victims of school corporal punishment are the poor, and the oppressed minorities, contrary to Dr. Newbold's denials; the irony is that these spankings generally occur for reasons other than racist. As Dr. Foster has pointed out (Foster, 1974), ghetto parents will sanction corporal punishment more readily than middle-class parents, often insisting that the teacher strike their child to keep him in line. Many of my own black patients suffered their worst school beatings at the hands of black teachers in all black schools, after which they went home and received a second beating at the hands of their parents for having disrupted the classroom. The willingness of the poor and disadvantaged parent to let the punitive teacher strike his child can only serve to heighten that child's sense of worthlessness, and unacceptability in both the home and at school.

I have no doubt that with increased societal enlightenment, regarding the dangers of corporal punishment,* its existence will wither to nothingness as its evils become apparent to all. Until that time, those of us who are aware of the damage it can do to our children will continue to work towards its total abolition, both in the home as well as the school.

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*My own research (Welsh, 1976a) suggests that corporal punishment produces both fear and anger. When the fear subsides, anger is left in its place. Secondly, children adapt to the frequent use of corporal punishment, requiring heightened levels of corporal punishment for it to continue to work, until the person becomes relatively immune to pain. Finally, our findings are consistent with the work of others that suggest corporal punishment may alter a person's sensitivity to punishment, rendering him unable to learn efficiently on future punishment tasks.

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